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May 19, 2020

**BY ECF**

Hon. Ona T. Wang  
United States Magistrate Judge  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street, Courtroom 20D  
New York, New York 10007-1312

**Re: *In Re Application of Vale International S.A., Vale Holdings B.V., and Vale International S.A. for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in Foreign Proceedings***  
**Case No. 1:20-MC-00199-JGK-OTW (S.D.N.Y.)**

Dear Magistrate Judge Wang:

We write as counsel to Nysco Management Corporation (“Nysco”). Nysco is a defendant in the proceedings before the UK High Court (*Vale S.A. et al. v. Steinmetz et al.*, No. CL-2019-000723) in support of which the Applicants here—Vale S.A., Vale Holdings B.V., and Vale International S.A. (collectively, “Vale”)—seek discovery under 28 U.S.C. § 1782 (“Section 1782”). *See* Dkt. No. 2 at 1.

Although Vale seeks relief on an “*ex parte*” basis, Dkt. No. 1, Vale has made “no showing . . . that *ex parte* treatment is necessary in this case.” *In Re: Ex Parte Application of Iraq Telecom Limited for an Expedited Order to Take Discovery Pursuant to 28 U.S.C. § 1782*, No. 1:18-MC-00458 (OTW) (S.D.N.Y. Oct. 22, 2018). “The orderly way to proceed is to give notice to all parties.” *Id.* In any event, Nysco has become aware of the application and intends to file a response. Nysco has standing to challenge the application because it is a party “against whom the requested information will be used.” *In re Sarrio*, 119 F.3d 143, 147–48 (2d Cir. 1997); *In Re: Hornbeam Corp.*, 1:14-MC-00424 (P1), 2015 WL 13647606, at \*2 (S.D.N.Y. Sept. 17, 2015), *aff’d*, 722 F. App’x 7 (2d Cir. 2018).

Accordingly, we respectfully request that the Court reserve decision on Vale’s application, require notification of all interested parties, and set a briefing schedule that permits Nysco and any other interested party to file a response if it wishes to do so.

**AMERICAS** (NEW YORK, BUENOS AIRES, CHICAGO, DELAWARE, MIAMI, SAN FRANCISCO, SÃO PAULO, WASHINGTON DC)  
**ASIA-PACIFIC** (HONG KONG, SEOUL, SHANGHAI), **EMEA** (LONDON, TEL AVIV), **OFFSHORE** (BVI, CAYMAN ISLANDS)

KOBRE & KIM REFERS TO KOBRE & KIM LLP, A NEW YORK LIMITED LIABILITY PARTNERSHIP.

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Respectfully submitted,

/s/ Josef M. Klazen

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cc: Counsel for Vale, Counsel for Fine Arts NY LLC (via ECF)